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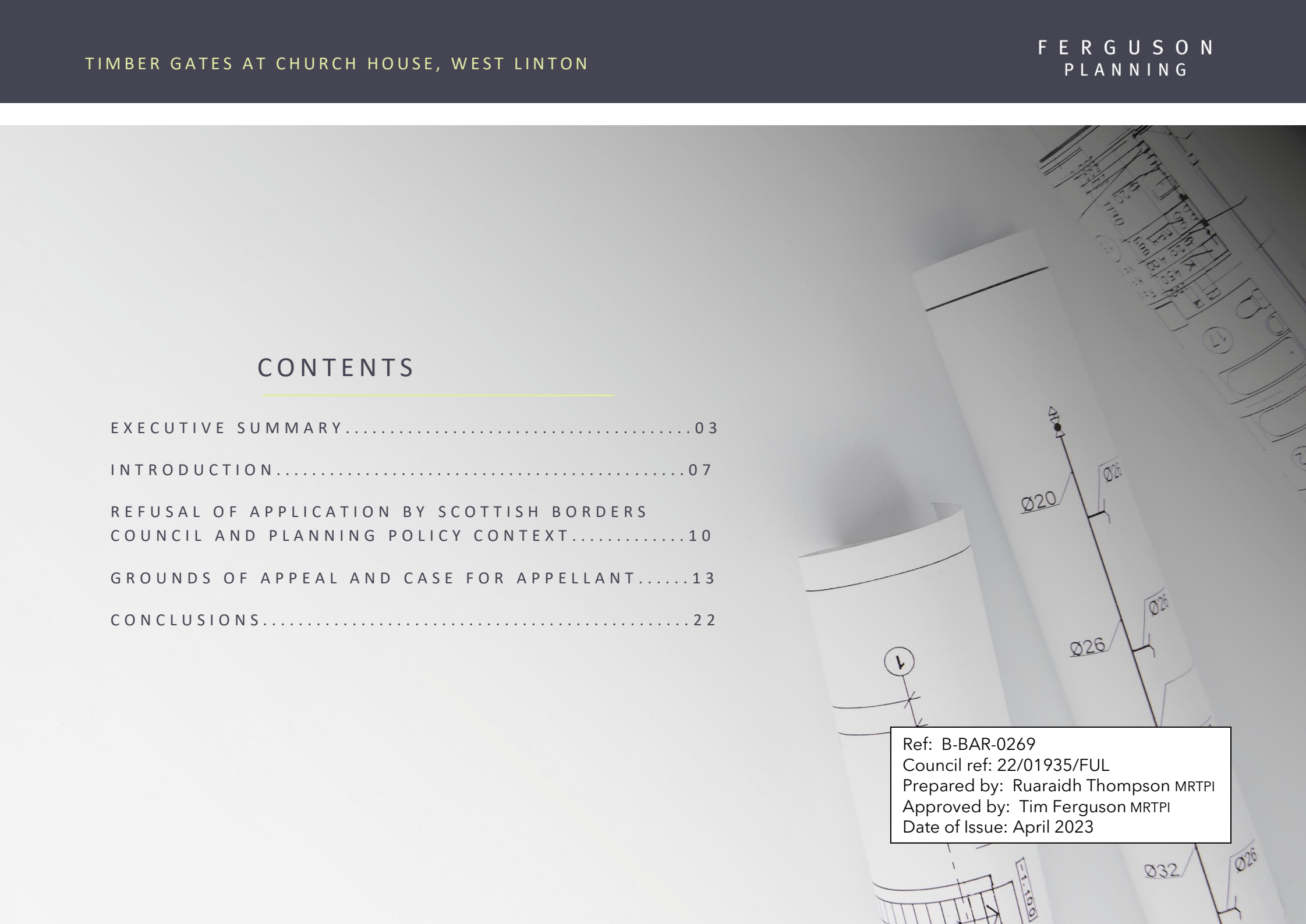
TIMBER GATES AT CHURCH HOUSE

MR & MRS BARTON

APRIL 2023

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TIMBER GATES AT CHURCH HOUSE

EXECUTIVE SUMMARY

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This Statement is submitted on behalf of Mark & Glenda Barton “the Appellants” against the decision of Scottish Borders Council to refuse Planning Permission for retention of timber gates at Church House, off Raemartin Square, West Linton on 20th January 2023 (reference 22/01935/FUL). All Core Documents (CD) are referenced in Appendix 1.

The proposed development is recladding of the existing gates at Church House with natural timber planks. The gates comprise wrought iron and form part of the existing boundary treatment of Church House. As the gates are required for both vehicle and pedestrian access, it is not possible to grow hedge behind them to prevent through views into the garden of Church House. To resolve this issue the Appellants have clad the gates in natural timber planks which achieves the required private amenity while retaining the gates in-situ.

Mr & Mrs Barton have lived and raised a family together at Church House since 1997. They have both recently retired and intend to spend their retirements together at Church House.

The Village has expanded considerably since Mr and Mrs Barton moved to Church House with the small unadopted lane bordering their main garden area. This lane had formerly experienced very little vehicle or pedestrian traffic. This has changed considerably in recent times with the natural expansion of the village and this has resulted in extensive use of the lane for parking and as a throughfare. In addition, approved developments have been built in the immediate vicinity i.e. the Raemartin Hotel converted into flats and the White House split into 2 dwellings at one end of the lane and then 3 significant planning developments that have been built more recently at the other end / Lower Green.

More recently, a further development was proposed in the immediate vicinity opposite the site. SBC planning committee initially refused planning permission due to concerns raised by the community and on the basis of the now already busy single car width lane. Concerns were also raised for pedestrians, parking, access and volume of traffic. Planning Permission 20/00378/PPP (Appeal Decision PPA-140-2084) however was approved by the Scottish Government Reporter and a new dwelling comprising 3 bedrooms is expected to be constructed opposite the site.

The onset of the COVID crisis saw a large increase in the number of people actively exercising outdoors, particularly walking, cycling and jogging locally. This has seen the volume of pedestrian / cycle traffic on the lane, from which the site is accessed, increase massively. Local footfall and vehicular use has been further increased by the success of the revitalised West Linton Village Centre opposite. While the reasoning for the increased use is commendable, the private amenity of the Appellants in Church House is now under pressure in a way that it has not been in three decades, with in excess of 50 day or evening events monthly in WLVC as per their last report of November 2022.

This pressure has given rise to the Appellants’ desire to reclad their existing gates to seek some security and privacy. This application comes with the support our Local Councillor, Community Council (which Includes representation from the Historical Society), West Linton Village Centre Trust, neighbours, consultees and wider community who particular comment on the appropriateness of the visual appearance to the conservation area.

During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning team – No objection.**
- **Community Council – No objection.**

Reason for Refusal

A single reason was cited for the refusal of the Application.

The stated reason for refusal claimed that the proposed development contradicts Policies EP9 & PMD2 of the LDP as "the alterations to the gates would have an unacceptably adverse impact on the character and appearance of the Conservation Area and on the visual amenity of this residential area". In reaching this conclusion the appointed Planning Officer considered that the timber used is not a high quality material and by extension not suitable for use in construction of gates in the West Linton Conservation Area.

It is the position of the Appellants that the proposed development is alike in character with several existing gates and large doors within West Linton Conservation Area. Existing examples that are alike in form and appearance include the entry gates to Park End (Planning Permission 16/01090/FUL), the vehicle doors of the Graham Institute, and the vehicle door of the rear garage at Gifford House (Planning Permission 12/01122/FUL). Recent photographs of these examples (taken in early 2023) can be found in the body of this representation.

The proposed development is considered to be consistent with the design and character of the existing gates and doors exemplified within the Conservation Area. The gates are constructed in a vertically-laid timber design which has a simple appearance. Timber is finished in varnish with black painted surrounds. All details are consistent with the existing examples within the Conservation Area.

Timber is considered to represent an acceptable and appropriate material for construction of gates in the Conservation Area. Its use is well established and contributes meaningfully to the distinctiveness of place locally within the Conservation Area. The simple finish is considered to represent a high quality appearance and to reinforce the natural but attractive appearance of the Conservation Area.

It is considered that the proposed development cannot reasonably be understood to have a negative impact on the appearance and character of the Conservation Area.

It should be noted that no objection from any member of the public was received during the course of the Application's determination. Following refusal of the Application, 25 no. local residents in West Linton have provided the Appellants with letters of support to enclose with the Notice of Review. A letter of support from Councillor Begg is included within letters of support from local members. In addition, West Linton Village Centre Trust have provided a letter confirming no objection to the proposed development. Finally, West Linton Community Council have provided a letter confirming that their February meeting resolved to amend their previous response "no comments" to an expression of "unanimous support" for the proposed development.

The design, appearance, materials, and finish of the proposed development are considered to preserve the character and appearance of West Linton Conservation Area. Therefore, the proposed development is considered to be acceptable in the Conservation Area, in accordance with Policies EP9 & PMD2.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission.

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TIMBER GATES AT CHURCH HOUSE

INTRODUCTION

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- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission for retention of timber gates at Church House, off Raemartin Square, West Linton.
- 1.2 The appeal site is the existing dwelling Church House which sits to the west of Raemartin Square in West Linton. Church House is a detached dwelling comprising white harled elevations (of genuine origin) with a gabled roof finished in natural slate. The house is set in a private garden but benefits only from a slight set back distance from the unadopted road “Trinity Lane” from which access is taken.
- 1.3 The site is served by access along the lane to Raemartin Square and West Linton Main Street in the east and Lower Green in the west. The site is located within the Conservation Area designated for West Linton. The site is neighboured by the existing dwellings Trinity House and Mossman Cottage. The Category B Listed Building (HES ref: LB8357) the former Raemartin Hotel stands around 20 metres east of the site in Raemartin Square.
- 1.4 The Appellants require new, more substantial boundary treatment to ensure continued private amenity at their home of 26 years. They have lived together and raised a family together at Church House since 1997. Both Mr & Mrs Barton have recently retired and intend to spend their retirement at home in West Linton.
- 1.5 In recent times the lane has become used extensively for parking and as a throughfare. In addition, approved developments have been built in the immediate vicinity – conversion of the Raemartin Hotel into flats and subdivision of the White House split into 2 dwellings at one end of the lane and then 3 significant planning developments that have been built more recently at the other end / Lower Green. Impact on the residential amenity of Church House would be further exacerbated if the dwelling approved opposite the site by Planning Permission 20/00378/PPP (Appeal Decision PPA-140-2084) was to be built out.
- 1.6 In order to safeguard the amenity of their home the Appellants had the existing gates recald in natural timber. Planks fitted to the gates have been varnished with surrounds painted black. This finish has enabled the existing gates to be retained while preventing through views to the garden space of Church House from the access lane. These alterations have significantly improved the privacy of the existing dwelling and residential curtilage.
- 1.7 Subsequently, the Appellants were contacted by the Enforcement team of the Council’s Planning and Building Standards Service in October 2022. The Appellants were informed that the alterations require planning permission which would have to be obtained to avoid the requirement to remove the newly fitted timber.
- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordence of the appeal proposal with the Local Development Plan and other material considerations.



Fig 1: Photograph of driveway gates near the west extent of the frontage of Church House (Source: Mr & Mrs Barton).



Fig 2: Photograph of front door gates near the east extent of the frontage of Church House (Source: Mr & Mrs Barton).

TIMBER GATES AT CHURCH HOUSE

REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT

REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

2.1 Planning Application 22/01935/FUL was refused on 24th January 2023. The Decision Notice (CD14) cited one reason for refusal, set out below:

“1. The development would be contrary to policies EP9 and PMD2 of the Local Development Plan 2016 in that the alterations to the gates would have an unacceptably adverse impact on the character and appearance of the conservation area and on the visual amenity of this residential area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.”

Local Development Plan

2.2 **Policy EP9** addresses Planning Applications in Conservation Areas, Applications for Conservation Area Consent, and minor residential development in separate paragraphs. In relation to Planning Applications on sites within Conservation Areas, the adopted text establishes that:

“The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance¹ the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.”

1. Underline the emphasis of this author.

2.3 **Policy PMD2** sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;

- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

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TIMBER GATES AT CHURCH HOUSE

GROUNDS OF APPEAL AND
CASE FOR APPELLANT

GROUNDS OF APPEAL AND CASE FOR THE APPELLANT

3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ALTERATION OF EXISTING GATES WHICH WOULD NOT HAVE A SIGNIFICANT IMPACT ON THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA. THE ALTERATIONS HAVE A MINOR POSITIVE IMPACT HOWEVER THIS IS CONSIDERED TO BE DE MINIMIS AND INSIGNIFICANT.

3.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning team – No objection.**
- **Community Council – No objection.**

3.3 It is the Appellants' position that the proposed development represents minor alterations to existing gates which does not have a significant impact (adverse or beneficial) on the character and appearance of the Conservation Area. In the strictest of senses, the proposed development is considered to have a positive impact on West Linton Conservation Area however this impact is considered to be minimal and to fall far below the point at which it could be considered to be significant.

3.4 It is common ground between the Appellants and the Planning Authority that the original fence and gates of Church House have been retained and subject to more than one set of alterations. Report of Handling 22/01935/FUL (CD13) recognises that "the original appearance of the gates was traditional" and that "fixing of the artificial grass [hedging] panels to the fence ... detracted from the appearance". Despite recognising this context, the assessment fails to give any weight to the visual benefit of removal of the artificial grass (artificial hedging).

3.5 The Report of Handling asserts that recladding the gates in timber planks has added "to the general poor visual quality of the works" owing to disagreement with the choice of materials.

3.6 The Appellants fundamentally disagree with the conclusion of the appointed Planning Officer. The Report of Handling makes clear its opposition to the materials selected (natural timber). However, this judgement is considered to be poorly made and unsupported.

3.7 The Appellants concerns for their residential amenity have been intensified by recent housing approvals in the immediately surrounding area. Planning Application 20/00378/PPP was refused on 7th September 2020 by the Planning and Building Standards Committee. Three reasons were cited for refusal of Application 20/00378/PPP, the first reason identified "overdevelopment of a small site, giving rise to a cramped form of development ... resulting in unacceptable impacts upon neighbouring residential properties, contrary to Policies PMD2, PMD5, EP9 and HD3 [Protection of Residential Amenity]" of the Local Development Plan.



Fig 3: Photograph of entry gates serving the existing dwelling Park End, taken from Key Greenspace GSWEST002 Lower Green (Source: Mr & Mrs Barton).

- 3.8 Following its refusal Planning Application 20/00378/PPP was appealed to the Directorate of Planning and Environmental Appeals (DPEA) in the Scottish Government. The DPEA referenced the case as PPA-140-2084. The appointed Reporter acknowledged the location of that site in the Conservation Area but nonetheless saw fit to diverge from the rationale accepted by Planning Committee by allowing the appeal and granting planning permission.
- 3.9 While Planning Permission 20/00378/PPP is now a settled matter and is not available for re-examination; the Appellants continue to accept and agree with the rationale supported by Planning and Building Standards Committee in September 2020 and remain concerned by the amenity impacts upon their private residence raised by the approved development.
- 3.10 It is a matter of fact that existing timber gates and external doors are already found in the heart of West Linton Conservation Area. Timber gates have been installed to control access to the drive of the existing dwelling "Park End" (Planning Permission 16/01090/FUL) which has been finished within the most recent 24 months. It is considered that the gates to Park End make a positive contribution to the Conservation Area and can be seen above in **Fig.3**.
- 3.11 In November 2012, Planning Permission 12/01122/FUL was granted for erection of a double garage to the rear of Gifford House. While Gifford House fronts onto West Linton Main Street, vehicle access to the double garage is from the adopted street Lower Green only. The double garage is constructed in timber elevations with slate roof. The garage is gated in a vehicle door comprising vertically-laid timber planks finished in varnish, sufficient to allow access for two private cars, visible in **Fig.4**.
- 3.12 The design and choice of materials in the double garage of Gifford House, and especially its vehicle door, are considered to represent high quality design and to contribute positively to West Linton Conservation Area.
- 3.13 The Graham Institute is one of West Linton's best-known establishments. The Institute is served by outbuildings which extend in linear fashion from the rear of the building. The outbuildings are served by 3 no. vehicle doors which open to Lower Green (adopted street). The doors comprise vertically-laid timber planks which have been painted red, visible in **Fig.5**. Together the doors are significant in proportion and account for a large majority of the elevation of the outbuilding which stands adjacent to and fronts onto Lower Green.
- 3.14 Google Streetview imagery confirms that the outbuilding doors have been existent on-site since at least March 2009 (14 years ago). Given the appearance and design of the doors, it is considered that the current appearance is likely to date back multiple decades and originate from the 1950's or 1960's.



Fig 4: Photograph of vehicle doors serving the double garage of Gifford House, taken from Lower Green (adopted street) (Source: Mr & Mrs Barton).



Fig 5: Photograph of vehicle doors serving the outbuildings of the Graham Institute, taken from Lower Green (adopted street) (Source: Mr & Mrs Barton).

- 3.15 Trinity House is accessed by a private drive extending from the westerly extent of the lane from which the appeal site is accessed. The entrance to the drive is pierced and gated in treated timber. As seen in **Fig.6**, the curtilage boundary of Trinity House is walled in natural stone rubble (likely whinstone). The gated entry to Trinity House occupies a very prominent position at the north of Key Greenspace GSWEST002 Lower Green, the westerly extent of the lane which runs west from Raemartin Square, and the east bank of the Lyme Water at Lower Green footbridge. The gates of Trinity House sit at the heart of the West Linton Conservation Area.
- 3.16 The gates of Trinity House are considered to have an attractive appearance as a result of their high quality design. The use of vertically-laid timber is considered to represent a high quality material. The shared central column and varnished finish of the gates enhances their distinctiveness. Each of the twin gates incorporates five ‘face piece’ panels occupying the space between short, rectangular timber pickets. The high quality design of the gates to Trinity House is considered to be intrinsically and inseparably linked with the use of timber in a simple varnish finish – which makes a positive contribution to the character and appearance of the Conservation Area.
- 3.17 It must be noted that the gates and doors referred to above and pictured in Figures 3-6 all stand within 60 metres of the site. They all have a significant role in defining the character and appearance of this part of the West Linton Conservation Area.
- 3.18 Given the significant presence of substantially sized timber gates and doors in the Conservation Area, it is considered that timber gates are appropriate on-site. The position taken in Report of Handling 22/01935/FUL, that timber gates are incongruous locally and contribute to “poor visual quality”, is considered to be misplaced and factually inaccurate.
- 3.19 While the gates proposed on-site are not a carbon copy of any exemplar development identified, they are considered to be consistent in character with the design, appearance, and finish of all. Like each example the gates on-site comprise vertically-laid natural timber which has been finished in varnish with painted surrounds. It is considered that this design is well established in West Linton Conservation Area.
- 3.20 Additionally the removal of artificial hedging from the gates of Church House is considered to represent a positive impact on the Conservation Area. While mounting artificial hedging on wrought iron gates does not require planning permission, it does detract from the appearance of the existing dwelling within the Conservation Area. It is considered that this positive impact must be weighed appropriately in the decision making process.



Fig 6: Photograph of entry gates serving the existing dwelling Trinity House, taken from the access lane adjacent (Source: Mr & Mrs Barton).

- 3.21 The proposed development is considered to preserve the character and appearance of the Conservation Area. The proposed alterations to the gates represent a design consistent with the design, appearance, materials, and finish of several existing gates and large doors within West Linton Conservation Area. Given the likeness of character between the proposed development and the existing examples identified it is considered to be demonstrably untrue to suggest that the proposed development would represent a negative impact on the character and appearance of the Conservation Area.
- 3.22 Far from representing a negative impact on the Conservation Area, it is considered that the proposed development represents a minor positive impact on the Conservation Area. The design and appearance of the proposed development is considered to complement existing styles in the Conservation Area and help to foster local distinctiveness. Moreover, the removal of artificial hedging is enhances the appearance of the gates and existing dwelling.
- 3.23 It is considered that the proposed development preserves the appearance and character of West Linton Conservation Area. The design, appearance, materials, and finish of the gates are considered to be appropriate in the Conservation Area. Therefore, the proposed development is considered to accord with Policies EP9 & PMD2 and to be acceptable in planning and design terms.

- 3.24 Finally, it is materially to note that the proposed development enjoys broad based support locally. Local residents have provided 25 no. letters of support that have been submitted with the Notice of Review (CD3). Furthermore, West Linton Village Centre Trust have written to confirm they have no objection to the proposed development. West Linton Community Council have also written to confirm that their members have now gained a full appreciation of the proposed development and revise their previous “no objection” response to “support” the proposed development.

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CONCLUSION

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- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 22/01935/FUL and grant consent for retention of timber gates at Church House, off Raemartin Square, West Linton.
- 4.2 The proposed development is for recladding of the existing gates at Church House with natural timber planks. The proposed development is alike in character with several existing gates and large doors within West Linton Conservation Area, in that they follow the design, appearance, materials, and finish that have been established locally. The proposed development has also removed artificial hedging which was previously in-situ and therefore improved the appearance of the gates.
- 4.3 It is considered that the strong consistency of the gates with the predominant style locally ensures that a negative impact on the character and appearance of the Conservation Area has not been created. As the proposed development preserves the character and appearance of the Conservation Area it is considered to accord with Policies EP9 & PMD2.
- 4.4 During determination of the Application, consultation responses were received from both Roads Planning and West Linton Community Council. Neither consultation responses objected to the proposed development. Further a total of 18 no. residents were notified of the Application by the Council in the form of posted neighbour notifications. Despite this high level of local awareness, **zero comments** were received by the Council from members of the public. Following refusal of the Application, 25 no. local residents have written to support the proposed development in addition to support from West Linton Community Council and 'no objection' from West Linton Village Centre Trust.
- 4.5 The Local Review Body is respectfully requested to allow the appeal and grant planning permission for retention of the timber gates at Church House, West Linton.

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CORE DOCUMENTS

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The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 Letter from Mr & Mrs Barton (Appellants), dated 28/03/2023;
- CD3 Representations to the Local Review Body from local residents and community organisations in West Linton;
- CD4 (Application) Cover Letter;
- CD5 Church House Site Location Plan;
- CD6 Driveway Gates Elevations;
- CD7 Front Door Gates Elevations;
- CD8 Site Plan;
- CD9 Photograph of Driveway Gates, central perspective;
- CD10 Photograph of Driveway Gates, perspective from north-east;
- CD11 Photograph of Driveway Gates, perspective from south-west;
- CD12 Photograph of Front Door Gates;
- CD13 Report of Handling 22/01935/FUL; and
- CD14 Decision Notice 22/01935/FUL.

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